

GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MARTHA NIMMER
Special Assistant Corporation Counsel
Cell: (917) 499-8632

November 12, 2021

VIA ECF

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *S.S. v. New York City Dep't of Educ.*, 21-cv-2134 (JPC)(SLC)

Dear Judge Cronan:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request that the status conference, scheduled for November 16, 2021, be adjourned *sine die*, and that the parties instead be permitted to submit a briefing schedule. Plaintiff consents to this request. This is the second request to adjourn the conference *sine die*. The first request to adjourn the initial conference in order to relieve the parties of the obligation to attend mediation was made on August 13, 2021 and denied by Your Honor on August 19, 2021; Your Honor instructed the parties to participate in the Court-annexed Mediation Program in good faith. The mediation conference took place on September 13, 2021, but the parties were unable to settle the matter. As mediation and settlement negotiations have failed, the parties believe that this action will be resolved via Plaintiff's motion for summary judgment. Accordingly, the parties request that the November 18, 2021 status conference be adjourned *sine die*, and that the parties be permitted to submit a briefing schedule.

Thank you for considering these requests.

Respectfully submitted,

/s/


Martha Nimmer
Special Assistant Corporation Counsel

cc: Justin Coretti, Esq. (via ECF)

The conference scheduled on November 16, 2021 is adjourned *sine die*. By November 19, 2021, the parties shall submit a joint letter providing the basis for Plaintiff's motion for summary judgment and Defendant's opposition, as well as a proposed briefing schedule.

SO ORDERED.

Date: November 15, 2021
New York, New York



JOHN P. CRONAN
United States District Judge